

**JULY 12, 2001**

**TESTIMONY TO THE UNITED STATES SENATE  
COMMITTEE ON INDIAN AFFAIRS**

**PRESENTED BY PRESIDENT GERI SMALL  
NORTHERN CHEYENNE TRIBE  
LAME DEER, MONTANA**

My name is Geri Small. I am a member of the Northern Cheyenne Tribe and am the President of the Northern Cheyenne Tribe. I would like to thank the members of the Committee on Indian Affairs for allowing me to testify here today.

The Northern Cheyenne Indian Reservation is located in south-central Montana approximately 90 miles southeast of Billings, Montana. The Northern Cheyenne Reservation's western boundary is contiguous to the Crow Reservation. Our Reservation is comprised of approximately 455,000 acres of which 99% is held in trust for the Northern Cheyenne Tribe. The Northern Cheyenne Tribe is comprised of over 7,900 Tribal members of which over 4,100 reside on our Reservation. The total population of our Reservation exceeds 7,000 people. The Tribe also serves many Tribal members that live just outside our Reservation boundaries because they are unable to obtain housing on the Reservation. The unemployment rate on our Reservation is at constant 65%.

The Northern Cheyenne Tribe has many needs. The Tribal Council and Tribal Administration try to address these needs on a daily basis. However, we are overwhelmed and often feel like we are trying to put out a forest fire with a garden hose. Because unemployment is high on the reservation and the Tribe has no tax base, the

Tribe is heavily dependent on federal money to address these needs. Simply put, the Tribe does not receive sufficient funding to even to begin to address its needs.

The remainder of this testimony focuses on Public Facilities Needs, Healthcare Needs, Housing, Development of Irrigated Lands, Judicial Branch and Justice System, Off-Reservation Fossil Fuel, Coal Bed Methane Development, and Economic Development. I will summarily address some of these needs in my testimony today. I have, however, attached to my testimony, more specific reports submitted by Tribal Program Directors. Please take the time to read these reports for a more detailed explanation in support of my testimony today.

#### Public Facilities Needs

A needs assessment has been completed by the Bureau of Reclamation for preliminary planning for a Municipal, Rural, and Industrial Water System to serve the Reservation. The assessment reveals that there is a dire need for an MR&I System on the Reservation. This pre-feasibility study provides enough information to determine the scope of a feasibility study. The Tribe requests \$500,000.00 to initiate the feasibility study. The feasibility report will show that the proposed project is feasible and meets NEPA requirements. The study will be the primary supporting document for subsequent funding requests to Congress to design and construct an MR&I System.

The Tribe is requesting \$5,100,000.00 in funding to upgrade the Lame Deer Wastewater Pond and to build a Wastewater Treatment Facility. Without the

completion of this project, public health and environmental threats will continue to grow as the permit limits are violated and the stream environment and downstream beneficial users of the stream are effected. Furthermore, without improvements, the Wastewater Pond will not accommodate any growth in community services or in housing.

Solid Waste is also a major concern on our Reservation. The Tribe presently has three open solid waste transfer stations located throughout the Reservation. The current transfer stations are not controlled or maintained properly due to a lack of funding. Dumping fees in the surrounding counties increase without commensurate funding increases. Our present solid waste management system is unmanageable. The Tribe proposes to build a modernized solid waste transfer facility to address this matter. The total cost of the proposed project is \$750,000.00.

The Tribe's fire protection program needs updated equipment. The Tribe's vehicles are old and outdated. Furthermore, over half of the fire hydrants in Lame Deer do not work. The fires located out-of-town require a tanker truck which the Lame Deer Fire Department does not have. In order to purchase materials and equipment necessary to provide reliable fire protection services, the Tribe needs funding in the amount of \$600,000.00.

### Health Care Needs

Diabetes is devastating our Tribal population. Screening of the children going to school on our Reservation revealed that 86% of our children are at risk for diabetes.

Presently, 443 people residing on the reservation have diabetes. 301 of these people utilize the local IHS clinic to treat their condition. The people that are on dialysis must travel 58 miles one way to Crow Agency. The initial dialysis treatment is provided 110 miles away in Billings, Montana. The Tribe is in dire need of its own dialysis facility. The Tribe proposes to renovate a present facility in order to operate and maintain a dialysis facility. The Tribe requests \$500,000.00 for the facility and \$432,000.00 annually for operation and maintenance of the facility.

Our Reservation also suffers from a high rate of drug and alcohol abuse. The Tribe receives \$65,000 per year to serve approximately 500 adults. The Tribe has no long-term care facility, no aftercare service facility, and no detoxification facility. People that need medical detoxification are often given medications and the emergency room and sent home. In order to address these problems, the Tribe requests funding for adult treatment service and a detox facility.

The Tribe, as outlined in the Reports, is also requesting \$5,000,000.00 for a Disease Prevention Program and Facility and \$350,000.00 in funding for the Tribe's Rosebud Lodge Emergency Shelter For Children.

### Housing Needs

The Tribe has over 700 families waiting for a home on the Northern Cheyenne Reservation. At the rate the Tribe is presently funded under NAHASDA, it will take thirty-five years to provide these families a home. This critical housing shortage is exacerbated by the shoddy construction of older homes built by unscrupulous

contractors. There are hundreds of houses with foundation, roof, and other basic construction deficiencies which have shortened the life of these homes. Federal funding for housing on the Northern Cheyenne Reservation is grossly inadequate. The Tribe requests an additional \$4,000,000.00 in funding annually to meet present housing needs.

#### Development of Irrigable Lands

The Tribe desires to irrigate lands within the Reservation and utilize its quantified water rights per the Montana-Northern Cheyenne Water Settlement Act. The Tribe proposes to develop an ambitious irrigation project that will result in new irrigation of approximately 5000 acres on the Reservation. The estimated cost of the total project is \$17,000,000.00. The first phase of this project is estimated to cost \$2,000,000.00. The first phase includes development costs for final design and construction of irrigation systems to cover 450 acres and project planning.

#### Judicial Branch and Judicial System

The Tribe's present court facility is undersized and outdated. Programs that are affiliated with the courts are forced to use other facilities. This is inefficient for these programs and the people that they serve. There is very little file space and no storage space available at the Tribal Court. There are no separate restroom facilities for the Judges or employees of the Tribal Court.

The jail facilities on the Reservation are grossly inadequate. The Tribe cannot house juveniles in the facilities because they cannot be properly separated. The jail

suffers from overcrowding because it is not large enough to handle the intake. The BIA Detention Specialist that inspected the facility recently identified several areas of negligence including inadequate space, improper ventilation and sanitation hazards.

The Tribe proposes a Tribal Justice Center that will house law enforcement, detention facilities, and the Tribal Courts. Total cost for this project is estimated to be \$8,000,000.00.

### Educational Needs

The Tribe encourages Congress to appropriate funding for Tribal Colleges at the levels specified in the Tribal College Bill. The Tribe also requests funding to build a multi-purpose facility for additional classrooms and offices, college level scholarships, funding to build student dormitories, funding to purchase up-to-date equipment, and funding to build an early childhood education center. The total amounts requested to fund these projects is \$9.65 million.

### Proposed Otter Creek Coal Development & Coal Bed Methane Development.

At the present time, the State of Montana is pressuring the Secretary of the Interior to transfer federal mineral rights (553 million tons of federal coal) to three tracts of land, approximately 8,300 acres, located in Otter Creek. Otter Creek is located near Ashland, Montana and just across the Tongue River – less than three miles from the Tribe's eastern Reservation boundary. This federal coal transfer is the last step in the State's plan to promote coal development on lands very near our Reservation. Our Reservation is very vulnerable to the downside of coal-related

development and the least privy to its financial benefits. For the past thirty years, the Northern Cheyenne Tribe has been forced to bear the burden of energy related impacts without realizing its benefits. The transfer of the Otter Creek federal mineral rights deeply concerns the Tribe as it was never consulted during the negotiation process involving the Crown-Butte Mine buyout. There are many legal problems the Tribe has identified with the proposed transfer.

It is difficult for the Tribe to understand how the State was compensated for speculative benefits it allegedly lost as result of the cancellation of the Crow Butte Mine permit. Because the Tribe was never involved in the process, the Tribe's impact and mitigation concerns have never been addressed. The Tribe hereby requests the assistance of the Committee in impressing upon the Secretary of the Interior the need to engage in a dialogue with the Tribe that will ensure the Tribe will be treated equitably. The Tribe is interested in discussing with the Committee some ideas for legislative solutions that will help the Northern Cheyenne Tribe and other similarly situated Tribes.

The State is also aggressively pursuing coal bed methane development around our Reservation. The Tribe is deeply concerned about the impacts to groundwater and surface water located underneath and on the Reservation. The Tribe is requesting \$8.15 million over a five-year period to develop baseline data and to analyze and monitor coal bed methane development impacts. The Tribe made an identical request in testimony on March 10, 2001 before the Subcommittee on Interior and Related

Agencies Committee on Appropriations for Coalbed Methane Development Impacts sponsored by Senator Conrad Burns but has yet to receive a response.

### Economic Development

The Tribe is deeply interested in investigating the feasibility of developing alternative energy projects. The Tribe is especially interested in determining the feasibility of a biomass project that would consume forest waste products but would also like to explore the feasibility of other alternative energy projects using wind and solar and hydro resources. To assess the feasibility of these projects, we must retain well-qualified professionals in relevant disciplines. The Tribe estimates that cost will be approximately \$500,000.00 over a three-year period.

### **CONCLUSION**

This concludes my testimony. I realize that I have asked for a great deal of funding. However, the current system of federal funding for Indian tribes does not adequately address Tribal needs on an annual basis. Coupled with this funding disparity is the Supreme Court's recent decisions eroding Tribal sovereignty. These decisions will force Tribe's to be more dependent on the federal government for funding because Tribe's have lost jurisdiction to regulate and tax right-of-ways within their Reservation boundaries. The Tribe requests Congress to enact legislation that re-establishes Indian tribes regulatory and taxing authority. Further, Congress should re-evaluate the federal funding scheme for Indian tribes in order to address the current funding inequities.



Again, thank you for allowing me to testify here today. I am happy to address any question you may have.